



## **I. RELEVANT BACKGROUND**

1. On January 19, 2010, the Debtors initiated this adversary proceeding by filing their Original Complaint and Application for Temporary Restraining Order, Preliminary Injunction and Permanent Injunction (the "Original Complaint") (Doc. No. 1).

2. On January 21, 2010, the Court issued a Temporary Restraining Order ("TRO") enjoining the defendants from prosecuting litigation against the Debtors in the Court of Chancery of Delaware (Doc. No. 16).

3. Also on January 21, 2010, the Court scheduled a hearing on the Debtors' Application for Preliminary Injunction (the "Preliminary Injunction Hearing") for February 8, 2010, at 10:30 a.m. The Court subsequently reset the Preliminary Injunction Hearing to 9:00 a.m. on February 8, 2010 (Doc. No. 36).

4. On February 5, 2010, the defendants filed their Motion to Continue Hearing by which they sought to reset the Preliminary Injunction Hearing for March 22, 2010 (Doc. No. 42). On that same date, the Court granted the defendant's Motion to Continue Hearing (Doc. No. 46) and set the Preliminary Injunction Hearing for March 22, 2010, at 1:30 p.m.

5. On February 15, 2010, the Debtors filed their Unopposed Expedited Motion to Continue Hearing (the "Motion for Continuance").

## **II. RELIEF REQUESTED**

6. The Debtors request that the Court consider their Motion for Continuance on an expedited basis. If the Court determines that a hearing is required for the Motion for Continuance, the Debtors request that an expedited hearing be set for February 18, 2010, at 3:00 p.m. (a preset omnibus hearing date in this case).

7. Expedited consideration of the Motion for Continuance is required so that the Debtors can appropriately plan and schedule for Preliminary Injunction Hearing and briefing

schedule. As discussed further in the Motion for Continuance, Debtors' lead counsel, Ms. Marcy Kurtz, has long-standing international travel plans for the period of March 13-21. Mr. Trey Wood also has long-standing travel plans for this same period. Expedited consideration of the Motion for Continuance is necessary so that, if the Motion for Continuance is denied, the Debtors can plan accordingly.

### **III. CONCLUSION**

WHEREFORE, premises considered, the Debtors respectfully request that the Court consider the Motion for Continuance on an expedited basis, or, if the Court deems appropriate, set the Motion for Continuance for an expedited hearing on February 18, 2010. The Debtors further request that the Court grant the Debtors such other and further relief as the Court deems just.

Respectfully submitted,

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**ATTORNEYS FOR THE DEBTORS**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on February 15, 2010, a true and correct copy of this document was served on all parties on the attached master service list by electronic means as listed on the court's ECF noticing system, by electronic mail as indicated, and/or by United States first class mail, postage prepaid.

/s/ Jason G. Cohen

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